REMARKS

Claim 1 is the sole independent claim and stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki '358 ("Sasaki") in view of Nagasaki et al. '730 ("Nagasaki"). This rejection is respectfully traversed for the following reasons.

The Advisory Action indicates that the Request for Reconsideration filed April 3, 2008 does not place the application in condition for allowance for the reasons set forth in the continuation sheet of the Advisory Action. Specifically, the Examiner maintains the pending rejection based on the assertion that Nagasaki discloses transferring and processing data from an external memory. Accordingly, the Examiner appears to take the position that the mere "use" of an external memory during processing is sufficient to read on the claimed invention. It is respectfully submitted that the claims embody the "control section" making a "determination" based on use of an external memory rather than simply "using" an external memory. In this regard, Nagasaki does not disclose that the control section 14 first determines whether or not a particular processing utilizes the alleged external memory then controls the processing in accordance with the results of the determination.

In addition, the Examiner indicates that the arguments set forth on page 3, paragraph 1 of the Request for Reconsideration filed April 3, 2008 were not relevant because the argued distinctions are not recited in the claims. In this regard, the referenced arguments were presented for the purpose of emphasizing the capabilities enabled by the claimed combination rather than for distinguishing the claims *themselves* from Nagasaki.

Nonetheless, in order to expedite prosecution, claim 1 has been amended to clarify the distinction between the present invention and cited prior art. Specifically, claim 1 recites in pertinent part, "the CPU determines whether or not each predetermined processing is performed with use of an external memory, ***and switches between a first processing mode using only the***

internal memory and a second processing mode using the internal and/or external memory based on said determination" (emphasis added). As seen for example at S16,S22 shown in Figure 3 of Applicants' drawings, the CPU can determine if the external memory is used and based on that determination can proceed to the processing (e.g., preprocessing, zooming, etc.). Accordingly, the CPU can switch between processing modes based on the CPU's determination of whether or not a given processing is performed with the use of the external memory.

On the other hand, the control section 14 of Nagasaki merely transfers the data to a memory according to a predetermined protocol without determining for each process whether it uses a given memory. That is, Nagasaki does not switch between processing modes based on a prior determination of which processes use the external memory.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claim 1 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In

addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 103 be withdrawn.

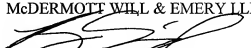
CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



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